

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

LEVON JONES, 17332-037

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

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Civil Action No. RDB-07-1718

Criminal Action No. 79-463

MEMORANDUM OPINION

Before the Court is a letter from LeVan Jones,¹ an inmate at the Northeast Ohio Correctional Center, a state facility. Plaintiff asserts that his release date from state custody was May 8, 2007, and claims that he is wrongfully being held on a detainer issued by the United States Marshal for a violation of federal parole.²

By challenging the detainer lodged against him, Petitioner is attacking the execution of his sentence. *See, e.g., United States v. Miller*, 871 F.2d 488, 490 (4th Cir.1989); *In re Vial*, 115 F.3d 1192, 1194, n. 5. (4th Cir. 1996). As such the Court will consider the letter a petition for writ of habeas corpus under 28 U.S.C. §2241. *See Calderon v. Thompson*, 523 U.S. 538, 554 (1998) (ruling it is the subject matter of the motion and not petitioner's description which determines its status.).

Judicial review of 28 U.S.C. §2241 petitions must be sought in the judicial district where a prisoner is in custody. *See* 28 U.S.C. §2241(a); *Braden v. 30th Judicial Circuit*, 410 U.S. 484, 495-500 (1973); *Miller*, 871 F.2d at 490. In this case, Petitioner is in the custody in the judicial

¹Petitioner's first name is spelled "LeVan" and shall be corrected accordingly.

²Court records show that Jones was a defendant in this court in Criminal Action No. 79-463, *United States v. Jones* (D. Md).

district of the United States District Court for the Northern District of Ohio.³

Accordingly, the Court will dismiss the Petition without prejudice to his refile in the appropriate judicial district. A separate Order follows.

July 3, 2007
Date

/s/
RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE

³The address is: 125 Market Street, Youngstown, Ohio. The telephone number is (330) 884-7400.